

On motion of Senator Bagby, the bill creating the county of Titus was taken up; amendments of the House concurred in and bill passed.

On motion of Senator McKinney, the bill supplementary to the several acts for the relief of minute men, was taken up; read 1st time—rule suspended—read 2nd time—rule further suspended—read 3rd time and passed.

On motion of Senator Brashear, bill for the opening and construction of a Turnpike road from the city of Houston to Brenham; amendments of the Select committee adopted and bill referred to Select committee, composed of Senators, Phillips, Brashear and Williamson.

On motion of Senator McKinney, Senator Navarro, was added to the Finance committee.

Senate adjourned until Monday morning, 9 o'clock, A. M.

SENATE CHAMBER, }
MONDAY, May 4th, 1846. }
9 O'CLOCK A. M.

Senate met, pursuant to adjournment—roll called and a quorum present.

Journals of the preceding day read and adopted.

Senator McNeel reported the correct engrossment of a bill for the relief of Thomas Anderson.

Senator Wood, chairman of the Select committee to whom was referred the memorial of Thomas F. McKinney, made the following report:

COMMITTEE ROOM, }
AUSTIN, May 4th, 1846. }

*To the Senate and House of
Representatives of the State of Texas:*

The joint committee to whom was referred the petition of Thomas F. McKinney, have given the subject minute investigation and have arrived at the following facts, so fully authenticated as not to leave a doubt on the mind of the committee as to their correctness.

That Gail Borden, Jr., late collector of the port of Galves-

ton, in receiving Exchequer bills from merchants at Galveston, required them under the law to pay them to the Government at a discount; the merchants paid it under protest, and notified him not to pay it over to the Government, that they held him responsible to them for a return discounted from the face of the Exchequer bills, and instituted suit against him for its recovery. That the said Borden retained the amount thus discounted from the face of the Exchequers in his hands, that he might secure himself in the event of a judgment being had against him; that he handed over to Thomas F. McKinney and Samuel M. Williams, the whole amount to secure them as his securities on his Bond to the Government, for the faithful performance of his duty as Collector; that McKinney and Williams used the Exchequer bills for their own account, and now propose that the amount be charged to them in account with the Government, on account of cash which they have advanced for the Republic of Texas.

Your committee have ascertained by reference to the records, and from the certificates of the Hon. E. M. Pease, who was an officer of the provisional Government, and J. B. Shaw, Esq., the present Comptroller of Public Accounts of the State of Texas, that in the commencement of the revolution in 1835 and 36, prior to the organization of the Government of the Republic of Texas, when the affairs of the country were managed by such temporary or provisional authorities as were from time to time established—there being no public funds in the country with which to meet the indispensable necessities of the public defence, application was made to McKinney and Williams for aid in funds, with which to sustain the army then in the field. The application was responded to in a manner of extraordinary generosity by them, and no limit was set to their aid which was within their control, without which the country must have suffered seriously, it being the only mode by which the country could at the time procure the supplies which were of absolute necessity for the public defence.

That the said McKinney and Williams did continue to sustain the credit of the Government at the sacrifice of their own, until the entire organization of the Government of the Republic of Texas in 1836; that in doing so, they advanced in par funds about one hundred and fifty thousand dollars, fifty four thousand of which has been paid in land at a higher rate than was sold to others; that the Government yet owes the said McKinney and Williams about one hundred thousand dollars, with five years interest thereon; that they have never re-

ceived of the Government one dollar of its paper, except at par; that they have never been paid one dollar out of the Treasury on account of such advances, and owing to the embarrassed condition of the country never asked it; that they rendered important services to the country as agents in receiving volunteers, supplying them, and for nearly a year of which no charge was made.

Your committee, therefore, have come to the conclusion, that the relief asked is very inconsiderable compared to services rendered by them, and have prepared a bill which is herewith submitted, and recommend its passage.

GEO. T. WOOD,
Chairman.

Senator Wallace presented the petition of M. R. Moore, praying the passage of a bill allowing him the control of the administration of his brother's estate, exclusively in Shelby county; referred to a select committee composed of Senators Williamson, Burleson and Parker.

Senator Phillips, chairman of Select Committee, to whom was referred a bill to authorize the opening and construction of a Turnpike road from the city of Houston to the town of Brenham, recommended the passage of the bill with the following amendments.

3rd section, 2nd line, after the word "company" insert "with the consent of the owners of the soil over which said road may pass."

2nd amendment; strike out the 4th section.

3rd amendment, in section 7th, after the word "road" in 5th line, strike out what follows, and insert "a right of action shall accrue to said company, and a suit may be instituted therefor, before any court of competent jurisdiction."

Senator Williams, chairman of the committee on Claims and Accounts, to whom was referred the petition of John Hemphill and R. E. B. Baylor, reported a bill for their relief and recommended its passage.

Senator McNeel, chairman of the committee on Enrolled bills, reported the correct enrollment of

An act providing for the appointment of patrols, and to prescribe their duties and powers.

The same having been signed by the Speaker of the House of Representatives and President of the Senate, was this day presented to His Excellency the Governor for his approval.

Senator Jewett introduced a joint resolution, providing for

the appointment of persons to visit the Indian tribes, and prevent any irruptions on the frontier; read 1st time—rule suspended—read 2nd time—rule further suspended—read 3rd time and passed, and the Secretary instructed to transmit the bill forthwith to the House of Representatives.

On motion of Senator Phillips, the substitutes of the House for the Senate's bill organizing the District Courts of the State of Texas—the first being a bill to organize the District Courts and to define their duties and powers, was taken up and read 1st time.

On motion of Senator Phillips, the rule was suspended, read 2nd time and referred to Judiciary committee.

2nd substitute, being a bill to regulate the proceedings in the District Courts of the State of Texas; read 1st time, and on motion of Senator Wallace, rule suspended and bill referred to the Judiciary committee.

A message from the House, informing the Senate of the election of Hon. W. H. Bourland as Speaker, in the place of Hon. W. E. Crump, resigned.

Also transmitting the following bills:

A bill authorizing the County Court of Brazoria county, to have a duplicate made of the record book of deeds, &c.

A bill to regulate proceedings in cases of forcible entry and detainer, and request the concurrence of the Senate to the same,

Also had passed.

A bill authorizing and requiring the Commissioner of the General Land Office, to issue patents to claimants to land lying in two or more counties; which originated in the Senate.

Senator Parker moved that leave of absence be granted to Hon. Jos. L. Hogg, from Nacogdoches, for the remainder of the session.

Yeas. Senators, Bagby, Bourland, Burlison, Jewett, McNeel, Miller, Navarro, Parker, Phillips, Robinson, Wallace, Williamson and Wood—13.

Nays. Senators, Grimes, McKinney and Williams—3.

Carried.

Hon. Geo. T. Wood obtained leave of absence for the balance of the session.

A message from the House, informing the Senate of the passage of a bill defining the duties of Secretary of State, with amendments; and a joint resolution providing for the appointment of persons to visit the Indian tribes and prevent any irruption on the frontier, which originated in the Senate.

A bill for the relief of Thomas Anderson; read 3rd time and passed.

Amendments of the House to the bill defining the duties of Secretary of State; concurred in.

Joint Resolution for the relief of Charles B. Snow; read 3rd time and passed.

The Senate receded from their amendments to a bill regulating elections, and a bill providing how the new counties created out of the territory of Nacogdoches county shall pay their portion of the debt of said county.

A bill requiring the Commissioner of the General Land Office to issue patents in the name and by the authority of the State of Texas; read 3rd time and passed.

A bill to amend the 2nd and 3rd sections of an act concerning divorce and alimony, approved 6th January, 1841; read 2nd time.

Senator Williamson moved to lay the bill on the table until the 4th day of July next.

Yeas and nays called for.

Yeas. Senators, McNeel, Miller, Navarro and Williamson—4.

Nays. Senators, Bagby, Bourland, Brashear, Burleson, Grimes, Jewett, McKinney, Parker, Phillips, Robinson, Wallace and Williams—12.

Lost, and on motion referred to a select committee, composed of Senators Phillips, Wallace and Williamson.

A bill requiring the county of La Vaca to pay a portion of the debt of Colorado county—on motion recommitted to select committee, composed of Senators Phillips, Brashear and Navarro.

A bill to provide a special term of the District Court in criminal cases; on motion laid on the table.

Substitute of the House to the bill to repeal the 4th section of an act to provide for the consolidation and funding of the public debt, approved June 4th, 1837.

Yeas and nays being called on the adoption of the substitute, stood thus:

Yeas. Senators, Bagby, Bourland, Brashear, Grimes, Jewett, McNeel, Miller, Navarro, Parker, Robinson, Wallace Williams and Williamson—13.

Nays. Senators, Burleson, McKinney and Phillips—3.

Substitute adopted.

A bill appropriating an office to the Clerk of the Supreme Court; ordered to be engrossed.

A bill to suspend the further introduction of emigrants into the colonies; read 2nd time.

Senator Williamson moved to strike out "1st July," and insert "1st August" in the 1st section.

Carried.

Senator Wallace offered the following amendment, being a substitute for the 1st section.

That from and after the first day of September, it shall not be lawful for the contractors, under any colonization contract heretofore made with any President of the Republic of Texas, for settling the vacant unappropriated domain, to introduce any settlers within the limits of any of said contracts by virtue of the same.

Lost.

Senator Navarro moved the indefinite postponement of the bill.

Yeas. Senators, Brashear, Navarro and Phillips—3.

Nays. Senators, Bagby, Bourland, Burleson, Grimes, Jewett, McKinney, McNeel, Miller, Parker, Robinson, Wallace, Williams and Williamson—13.

Lost.

Senator Jewett moved the engrossment of the bill.

Yeas and nays called for.

Yeas. Senators, Bagby, Bourland, Burleson, Jewett, McKinney, McNeel, Miller, Parker, Robinson, Williams and Williamson—11.

Nays. Senators, Brashear, Grimes, Navarro, Phillips and Wallace—5.

Carried—so the bill was ordered to be engrossed.

Senator Burleson, on behalf of a majority of the Select committee, to whom was referred a bill to incorporate the Colorado and Wilson creek Railroad company; reported the following amendments, and recommended the passage of the bill.

In 1st section, strike out "Alexander Moore" and insert "John Duncan."

In section 6th, fill the blank with "one and a half cents."

Adopted—rule suspended—bill read 3rd time, and yeas and nays called on final passage, stood thus.

Yeas. Senators, Bagby, Bourland, Brashear, Burleson, Grimes, Jewett, McKinney, Miller, Navarro, Parker, Phillips, Robinson, Wallace, Williams and Williamson—15.

Nays. Senator McNeel—1.

Bill passed.

A bill to prevent the sale of spirituous liquors to Indians or

soldiers of the United States Army; read 2nd time and referred to the Judiciary committee.

Senator Phillips, chairman of the committee of Conference, on the bill regulating appeals to the Supreme Court in criminal cases, reported that the committee recommended a substitute for the 10th section.

Be it further enacted, That if the transcript provided for in the foregoing section, be received in vacation, the District Court shall at the next term proceed to pronounce sentence in accordance with the direction of the Supreme Court, if the accused is in custody, and if not, shall order such process as may be necessary to take him, and if he return upon such process be that the accused cannot be found, then the Court shall direct such proceedings as may be necessary and proper in order to forfeit his recognizance; but if the transcript aforesaid be received in term time, the court shall forthwith proceed as above directed.

Adopted.

Senator Jewett moved to take up a bill to provide a method of ascertaining when lands have become forfeited to the State.

Carried.

On motion of Senator Williamson, the bill was made the special order for 10 o'clock to-morrow.

A bill to authorize Judges of the District Courts to hold special sessions thereof, for the trial of persons charged with the commission of crimes punishable with death.

Senator Phillips offered the following amendments:

In the caption, 3rd line, strike out the word "slaves" and insert "persons."

In the 2nd section, strike out "&c" in 1st line, and insert "by the Legislature of the State of Texas." In 2nd line, strike out the word "slave" and insert "any person." In 11th line, after the words "petitions of the" insert "party in custody, or if a slave, on the petition of his owner." Strike out the words "owner of such slave."

Adopted.

Senator Robinson moved to insert after "legal" in 2nd section, "number of grand and petit jurors."

Carried, and bill ordered to be engrossed.

Senator McNeel, chairman of the committee on Enrolled bills, reported the correct enrollment of the bill to provide for the appointment of persons to visit the Indian tribes and to prevent any irruptions on the frontier; and having been signed by the speaker of the House of Representatives and President

of the Senate, was this day presented to the Governor for his approval.

A bill to incorporate the several counties in this State which now exist or may hereafter be established; read 1st time.

A bill to provide for the registration of deeds or other instruments of writing; read 1st time.

A bill for the relief of jurors; read 1st time.

A bill to regulate proceedings in cases of forcible entry and detainer; read 1st time.

A bill to authorize the County Court of Brazoria county to have a duplicate made of the record book of Deeds &c.; read 1st time—rule suspended, and referred to select committee, composed of Senators McNeel, Burleson and McKinney.

Senator Jewett, chairman of committee of Conference, on the bill regulating the manner of running county lines, reported that the committee recommended the following amendment to 1st section.

Provided, In all instances, that every line run as above directed, shall be made in conformity with existing laws creating or defining said county's boundaries.

Adopted.

Senator McKinney introduced the memorial of A. J. Yates, praying the passage of a bill for his relief; read 1st time—rule suspended, and referred to committee on Public Lands.

Senate adjourned, until to-morrow, 9 o'clock A. M.

SENATE CHAMBER, }
TUESDAY, May 5th, 1846. }
9 O'CLOCK A. M.

Senate met, pursuant to adjournment—roll called, and a quorum present.

Journals of the preceding day, read and adopted.

A message was received from the Governor in writing, which was made the special order for to-morrow, 1 o'clock, P. M.

Senator McKinney presented the following protest, which was ordered to be spread on the journals:

The undersigned begs leave to spread upon the Journals of the Senate, why he cast his vote on yesterday, against the pas-